

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE: § Case No. 10-36924-H4-7
§
CES Environmental Services, Inc., § (Chapter 7)
§
Debtor §

TRUSTEE’S MOTION FOR PRIVATE SALE OF METAL BUILDINGS

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

TO THE HONORABLE JEFF BOHM, CHIEF UNITED STATES BANKRUPTCY JUDGE:

David Askanase, Trustee, (“Trustee”) of the above captioned bankruptcy estate, respectfully files this Motion for Private Sale of Metal Buildings (the “Motion”).

SUMMARY OF REQUESTED RELIEF

1. The Trustee requests authority to sell two (2) metal buildings (the “Buildings”) in exchange for their removal from the estate’s property at 4904 Griggs Road, Houston, Texas 77021 (the “Property”) to Stone Machinery Movers, 13991 Henry Harris Rd., Conroe, Texas 77306 (“Buyer”). Bank of America, N.A has a lien on personal property but has agreed to release its lien on the Buildings.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this Motion pursuant to 28 U.S.C. § 1334. This Court may hear and determine this Application under the standing order of reference issued by the United States District Court for the Southern District of Texas under 28 U.S.C. § 157. Venue of this proceeding is proper in this district under 28 U.S.C. §§ 1408 and 1409. Consideration of this Application is a core proceeding pursuant to 28 U.S.C. § 157(b).

BACKGROUND

3. On August 13, 2010, the Debtor filed Chapter 11 bankruptcy. On September 3, 2010, the Court entered its Order Converting Case to Chapter 7 [docket no. 84]. Thereafter, David Askanase was appointed Chapter 7 Trustee (the “Trustee”) to administer the assets of the bankruptcy estate.

4. One of the Trustee’s duties is to sell assets of the estate and prepare the real property for sale.

5. The Buildings are on the Property. The Buildings have no value in place and will eventually have to be removed by a buyer of the real property. Removing the Buildings will aid in getting the Property ready for an eventual sale.

6. The Buyer has agreed to purchase the Buildings “as is, where is” with no representations or warranties of any kind, free and clear of all liens, claims and encumbrances and to remove the Buildings in exchange for the Buildings, which it will eventually sell as scrap. A true and correct copy of the offer to purchase the Buildings is attached hereto as **Exhibit “A”**.

7. The Trustee has determined in his business judgment that the sale is proper and in the best interest of the Estate.

8. To the extent the Buildings are secured to Bank of America, N.A., Bank of America, N.A. does not object to the relief requested in the Motion and has agreed to release any such lien on the Buildings without payment.

REQUESTED RELIEF

WHEREFORE, David Askanase, Trustee, prays for an Order of this Court authorizing the sale of the Buildings to Stone Machinery Movers free and clear of all liens, claims and encumbrances and for such other relief to which he may be entitled.

Respectfully submitted,

Date: April 15, 2015

/s/ David Askanase
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Trustee's Motion for Private Sale of Metal Buildings was served to all parties in interest listed on the "Service List" attached hereto by U. S. mail, first class, postage prepaid on this the 15th day of April, 2015.

/s/ David Askanase
David Askanase